

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

10x GENOMICS, INC.,

Plaintiff,

v.

CELSEE, INC.,

Defendant.

Civil Action No. 19-862-CFC-SRF

MEMORANDUM ORDER

Pending before me is Defendant Celsee's Motion for Summary Judgment of Non-infringement of U.S. Patent Nos. 10,155,981; 10,240,197; and 10,280,459.

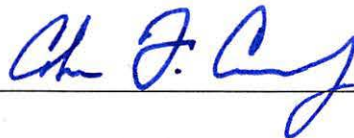
D.I. 267. In Celsee's Concise Statement of Undisputed Material Facts filed in support of its motion, Celsee states that "[a] cDNA sequence is the reverse complement of the mRNA sequence from which it was generated...." D.I. 269 ¶ 2.

In support of this statement of fact, Celsee cites the opinion of its expert Dr. Rahul Satija that "the sequence of the cDNA molecule is the reverse complement of the mRNA sequence from which it was generated." D.I. 269, Ex. E ¶ 69. Plaintiff 10x Genomics admits that a cDNA *molecule* is the reverse complement of the mRNA *molecule*, but it disputes that the cDNA *sequence* differs from the mRNA *sequence* from which the cDNA sequence is generated. D.I. 295 ¶ 2. 10x cites record

evidence that appears on its face to contradict Celsee's expert. *See* D.I. 296, Ex. 3 ¶44 ("The mRNA and each strand of the cDNA molecule will each contain the same sequence."); Ex. 4 ¶ 26 ("POSAs regularly use the cDNA form of the mRNA sequence...and refer to that sequence as the sequence as the sequence of the mRNA.").

Because there is a disputed fact that Celsee has said is material to its motion for summary judgment, I will deny the motion. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

WHEREFORE, this Seventh day of April in 2021, Celsee's Motion for Summary Judgment (D.I. 267) is **DENIED**.

A handwritten signature in blue ink, appearing to read "Ch. J. Long", is written over a horizontal line.

United States District Judge